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THE LEAGUE TO ENFORCE PEACE

A. LAWRENCE LOWELL

EVERY proposal for a new departure in public affairs, and especially in foreign relations, awakens exaggerated hopes and stirs unneeded fears. Often the hopes and fears are due to a misunderstanding of the object sought. This ought not to be true of the League to Enforce Peace, because, although the details and methods of operation are left to the future, the principles involved are clearly stated and the limitations of the objects sought are carefully defined. An impression, however, has gone abroad that the organization may be intended, or used, to help in bringing the European War to a close. There are people, no doubt, who would like to see it directed to that purpose; but the statement of the object was deliberately framed to prevent this very thing, namely, to "establish and maintain peace after the close of the present war"; and the Executive Committee can safely be trusted not to permit it to be diverted from this aim. To seek to maintain peace before war breaks out is a very different thing from interposing between belligerents; offering, unsought, an opinion upon the terms they ought to accept; and bringing pressure to bear on the weaker or more vulnerable side. It is essentially the difference between seeking to prevent a quarrel and buying into a quarrel. An attempt to separate combatants may be under proper conditions highly praiseworthy, but it is certainly no part of the object of the League in the present war.

The programme of the League is so short that in spite of the frequency with which it has been published it may be repeated here.

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First: All justiciable questions arising between the signatory Powers, not settled by negotiation, shall, subject to the limitations

of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Third: The signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.*

Fourth: Conferences between the signatory Powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

The plan has been received with a surprising amount of favor in many different quarters, but it has met with opposition from ultra pacifists on one side, and extreme advocates of preparedness on the other, and yet it offers to the former a means of attaining the end they seek, and to the latter a clear presentation of the true object of the measures they advocate. No one in this country can dissent from the object sought by the League, for everyone desires the maintenance of peace for ourselves and among all nations; and when this war is over that will be the earnest wish of all peoples and all governments. So far as this end is sought by arbitration and conciliation, and by a better codification and more general acceptance of the principles of international law no one in America will disagree. Serious criticism arises only over the provision for the use of force as a means to the end, and on that vital point a difference of opinion is reasonable and natural.

At the outset it will be observed that the use of force is limited to restraining war until the countries involved have submitted their claims to a judicial tribunal or council of conciliation; and that no attempt is made to enforce the

* (Explanatory Note) The signatory Powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first submitted its dispute for international inquiry, conciliation, arbitration, or judicial hearing, and awaiting a conclusion; or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war, or commits acts of hostility against another of the signatories before any question arising shall be dealt with as provided in the foregoing.

award. Some men have urged the need of going farther, and compelling acceptance of the decision; but the framers of the programme have thought this premature. They believe that what they suggest is as much as the great countries of the world will accept today, and that if adopted it will suffice to prevent almost all wars. A cord strained too hard will snap. There are questions, like the Monroe Doctrine and Asiatic immigration, on which the American people would hardly agree to accept as final the judgment of an international tribunal or council, and yet in which we should not hesitate to agree to present our case to such a body before resorting to arms.

The critics of the use of force to prevent war belong to two classes; first those who feel that force is never justified, that the principle of non-resistance will ultimately triumph over all violence, and that the sufferings involved in the process are not to be compared with the value of the principle. With these men there is little use in argument. The difference lies in an assumption which can neither be proved nor disproved. The error, if it be one, is in the fourth dimension.

“Non ragioniam di lor, ma guarda e passa.”

The second class of critics are those who, without denying that the use of force may be proper, believe that it will not be necessary or effective. They assert that the public opinion of mankind will be enough to compel any nation to submit its grievances to some international body and abide by the result. But men who know the story of the last sixty years, when the opinions of mankind have been more distinctly averse to bloodshed than ever before, and yet when probably more men have been killed in battle than in the same length of time in any period of the world's history, may be excused for being skeptical about the efficacy of pacifist opinions in preventing war. The history of civilization within organized communities has been that of placing an effective ultimate sanction of force behind law; and the more irresistible the force, the less has been the need of it, the less apparent it has become, until we sometimes forget its existence and its necessity.

To this class of criticism belongs the argument that the Supreme Court of the United States has no power to enforce its decisions, and hence an international tribunal requires none. Surely this is based upon a confusion regarding the nature of governmental functions. In one sense, there is a

profound truth in the statement of Hume in his *Essay on the Origin of Government*. "We are, therefore," he says, "to look upon all the vast apparatus of our government as having ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges. Kings and parliaments, fleets and armies, officers of the court and revenue, ambassadors, ministers, and privy counsellors are all subordinate in their end to this part of administration." The twelve judges would, in fact, have been utterly helpless without the other powers in the State. No court has any real force of its own to execute its judgments; for even if it has a sheriff who can summon a posse, this would avail nothing against resistance, without the aid of the police and ultimately of the whole executive government. Does anyone seriously suppose that the decisions of the Supreme Court in cases involving a powerful corporation or a great organized body of men would be carried out if it were well understood that the civil government would pay no heed to them, but inform the court that if the parties did not choose to comply with them the matter might rest there? When President Lincoln forbade the civil and military officers to obey the summons of Chief Justice Taney the court was powerless and its action fruitless. Decisions of the Supreme Court are in effect carried out by the ordinary machinery of government which supports those in whose favor the decisions are made, and prevents forcible resistance by those against whom they are rendered. This machinery has all the force of the country at its back, and the function of public opinion is to support that condition as the guarantee for the maintenance of order, not to lend its approval to the particular decision involved. Moreover, the programme of the League does not propose to entrust any physical force to the international tribunal. As in the case of the Supreme Court of the United States the application of force is left to other public authorities charged with the use of force,—the executives and the legislatures of the nations. The plan, indeed, gives no semblance of force to the tribunal, for its decisions are not enforced at all. As in the case of a dispute between the States of our Union, the judges do not even summon parties before them, and force is to be used only to prevent any country from going to war without voluntarily submitting, or offering to submit, its claim to the court. The authority of the international tribunal or council

of conciliation is in itself purely moral. The force to be employed is executive. It is to be employed by the political authorities to prevent a resort by the parties to violence, to deter them from taking the law into their own hands instead of going to law; and this is true in the case of the Supreme Court of the United States.

Then there is the objection that the League would prove ineffective. It might, of course, be so, because when it came to the point the members might decline to carry out their obligations; but recent experience seems to show that self-respecting nations are apt to fulfill their agreements to take up arms. France in 1914 had no hesitation in taking part with Russia, although she knew well the suffering and danger of national disaster it would entail. Few careful observers doubt that the English people would hardly have thrown in their lot with the Allies had it not been for their treaty to safeguard the integrity of Belgium. Certainly if a sufficient number of nations should join such a League and if there were a reasonable prospect that they might jointly fall upon a country that committed hostilities against another without first offering to submit to arbitration, no government would be likely to run the risk of war with so many enemies. The mere existence of such a League on these terms, the potential force it would exert would be a strong deterrent, strong enough almost inevitably to prevent any government from incurring the danger of the penalty.

In this connection, the history of the Monroe Doctrine is suggestive. The United States declared that any attempt by a foreign nation to acquire territory on these continents would be considered dangerous to our peace and safety and would not be looked upon by us with indifference, meaning that it might result in war. There is no doubt that several foreign countries have desired to acquire possessions in this hemisphere, and in one case a great and gallant nation attempted to establish an empire in Mexico. Yet no nation has cared to run the risk of war with the United States, and even France, at our request, withdrew from Mexico as soon as our hands were free after the Civil War. In short, the Monroe Doctrine has prevented foreign nations from acquiring possessions on this continent for nearly a century, and in doing so has never caused the shedding of a drop of blood. This has been the result of a consistent policy, with the sanction of ultimate force, addressed by one nation to

the whole world. How much more effective would be a policy, sanctioned by a threat of force, addressed by the whole world to one nation! That force, in the form of an ultimate resort to arms, would ever have to be used by the League is extremely improbable. Potential force consistently directed to a definite object, the maintenance of peace by a league of honorable states, would have an enormously powerful effect.

Many Americans complain that the League would involve our country in entangling alliances with foreign nations contrary to our traditions. It would certainly involve obligations, and those of a very grave character—obligations that might possibly result in war—and so does the Monroe Doctrine. On the other hand, the obligations might, and probably would, save us from being entangled in war. There are different kinds of obligations and alliances. Some people think of the proposed League as an alliance of a few nations to counterbalance another League of about equal strength, and this might well become a provocation, rather than a prevention, of war. A vendetta, where men are bound together to fight others and revenge injuries, is an entangling alliance; a police force is not. It is to the latter class that the League belongs. It is primarily directed to prevent war amongst its own members, and will, it is hoped, become so strong as to maintain peace at last throughout the world. In fact, if enough nations, and enough great nations, join it the others will feel the need of coming in.

There is no use in seeking to minimize the obligations that our nation would undertake; but no nation, and especially no rich and powerful nation, can be wholly isolated in the world today. If it stands alone, it must run a risk of collision, of a struggle with a dangerous antagonist, perhaps more than one enemy, and perhaps alone. Our people must seriously consider whether the security against war is not worth the cost of the insurance, and whether we should not be wise, whether we have not some duty, to take part in the policing of the world. Such an opportunity as will be presented at the close of this war is not likely to come again.

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